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IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA SOUTHERN
DIVISION

2007 APR 17 A 9:50

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U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

JAMES L. ROBISON
PETITIONER

VS.

CASE NO. 1:06-cv-01061-MHT

JAMES DELOACH, et. al.
RESPONDENTS

MOTION TO STRIKE RESPONDENT'S
ANSWER

COMES NOW JAMES ROBISON AND SEEKS THE COURT'S ORDER
IN THE ABOVE STYLED CAUSE. ROBISON SHOWS THE FOLLOWING:

1. THE HONORABLE JUDGE ORDER DATED FEBRUARY 23rd, 2007 IS
SPECIFICALLY STATED: (1) WHETHER CORRECTION OFFICIALS MARKED AND
RETURN LEGAL MAIL TO STATE COURT AS REFUSED, AND (2) WHETHER
ROBISON SHOULD BE ALLOWED OUT OF TIME APPEAL.
2. RESPONDENT'S REQUESTED FROM THIS ORDER TWO (2) EXTENSIONS
OF TIME TO ANSWER. RESPONDENT'S ANSWER IN AND BEFORE THIS
HONORABLE COURT WAS THAT FULL INVESTIGATION WAS COMING.
3. (A) RESPONDENT'S VERY EXHIBITS ARE MISLEADING WHERE THE INCIDENT
REPORT FAIL TO PROVIDE TRUE FACTS FOR ANY STATE OFFICIAL TO MARK
ROBISON'S MAIL REFUSED. RESPONDENT'S HAVE NOT OFFERED ANY EVIDENCE

TO ESTABLISH THAT ROBISON REFUSED TO HAVE HIS U.S. INCOMING MAIL INSPECTED. RESPONDENT'S VERY DOCUMENT REQUIRES A FULL FACTUAL REPORT TO SUBSTANTIATE A CLAIM. THE DOCUMENT IS TOTALLY FABRICATED AND FALSE, USED IN BAD FAITH BEFORE THIS COURT TO UNDER-MINID THE OLD ELIY JUDICIAL PROCEEDINGS.

(B). RESPONDENT'S EXHIBIT "B" ROBISON'S LETTER TO COMMISSIONER ALLEN IS PROOF THAT ROBISON DID NOTHING TO HAVE HIS STATE COURT Mailed TO BE MARRED REFUSED. ROBISON SINCE HIS ARRIVAL INTO ADOC WAS GOVERN BY ADOC REGULATION GOVERNING INCOMING MAIL. ROBISON BY LETTER TO COMMISSIONER ALLEN REQUESTED THE CONTINUING OF HIS MAIL ACCORDING TO WRITTEN POLICY.

3. RESPONDENT'S ANSWER BY EXHIBIT "A" IS WITHOUT FACTUAL PROOF TO SUPPORT THAT ROBISON HAS SUBMITTED FALSE STATEMENTS TO THE HONORABLE COURT. HOWEVER, RESPONDENT'S CAN'T PRODUCE ANY DOCUMENT WHICH ROBISON SERVED TO BEBB OFFICERS TO AVE AND SAY: ROBISON REFUSE INCOMING MAIL. RESPONDENTS HAVE USED INTENTIONAL ACTS IN BAD FAITH, AT EACH STAGE TO PREVENT THIS CASE TO PROCEED IN COURT.

4. RESPONDENT'S NOW ADMIT THAT THERE IS NO STATUTE OF LIMITATION.

5. THE UNITED STATES CONSTITUTIONAL EQUAL PROTECTION CLAIMS ARE COGNIZABLE FOR REVIEW. JONES U. WHITE, 811 F.2d 610 (11TH C.R. 1987) JONES U. WHITE, 992 F.2d 1548 (11TH C.R. 1993) IT IS WELL SETTLED THAT HABITUAL OFFENDERS ARE A GROUP IDENTIFIED, AND COMES FROM A LAW CODE OF ALABAMA 1975 SECTION 13A-5-9.

6. IT IS A SETTLED RULE THAT THE 14TH AMENDMENT GUARANTEES EQUAL LAWS. IN FACT ALABAMA LAW RULED BROOKS V. STATE, 622 So. 2d 1447 (ALA. CRIM. APP. 1993) THE COURT HELD: "WHILE IT IS CLEAR, IN THE PRESENT CASE, THAT THE LEGISLATURE NEED NOT HAVE GRANTED RETROACTIVE GOOD TIME TO ANY PRISONERS, THE FACT THAT IT GRANTED THOSE BENEFITS TO SOME BUT NOT TO ALL PRISONERS SIMILARLY SITUATED IMPLICATES THE EQUAL PROTECTION CLAUSE." ROBISON'S UNITED STATES CONSTITUTIONAL CLAIMS ARE REVIEWABLE IN FEDERAL COURTS. WHERE STATE COURT WAIVED THESE ISSUES, AND THEY HAVE NOT BEEN RESOLVED.

Wherefore, ROBISON WHO STAND BEFORE GOD AND WHO HAS RECEIVED SALVATION SPEANS THE TRUTH, AND HAS NOT PROVIDED ANY FALSE DOCUMENT OR REPORT. THE COURT HAS PROPER JURISDICTION TO ISSUE AN ORDER IN THIS CAUSE, WHERE ACTS WERE DONE BY RESPONDENTS IN BAD FAITH.

RESPECTFULLY
James L. Robison
JAMES L. ROBISON
1290 RED EAGLE ROAD
MONTGOMERY, AL. 36110
APRIL 15, 2007

CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY AND SAY THAT I HAVE SERVED RESPONDENTS ATTORNEY, NANCY M. HERBY OFFICE OF ATTORNEY GENERAL 11 SOUTH UNION STREET MONTGOMERY, AL. 36130. DONE THIS 15TH DAY OF APRIL, 2007 PLACED IN PRISON OFFICIALS HANDS FOR PROPER POSTAGE, AND SERVED BY ADOC LEGAL MAIL REGULAZON. BY MY SIGNATURE BELOW.

James L. Robison

JAMES KOBZUN
#121865 A-51
290 RED EAGLE ROAD
MONTGOMERY, AL 36110

MONTGOMERY, AL 361

16 APR 2007 PM 3:00



OFFICE OF CLERK, FEDERAL COURT
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LEGAL MAIL

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